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## Central Valley Regional Water Quality Control Board

30 December 2014

Mr. Paul A. Marshall  
Department of Water Resources  
1416 Ninth Street, Rm 215-37  
Sacramento, CA 95814

### **CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE SHERMAN ISLAND "LITTLE BAJA AND MANZO RANCH" FISH RELEASE SITES PROJECT (WDID#5B34CR00062), RIO VISTA, SACRAMENTO COUNTY**

#### **ACTION:**

1.  Order for Standard Certification
2.  Order for Technically-conditioned Certification
3.  Order for Denial of Certification

#### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. Department of Water Resources shall notify the Central Valley Water Board in writing within 7 days of project completion.

**ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:**

In addition to the four standard conditions, Department of Water Resources shall satisfy the following:

1. Department of Water Resources shall notify the Central Valley Water Board in writing 7 days in advance of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. All areas disturbed by project activities shall be protected from washout or erosion.
4. Department of Water Resources shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
5. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working during all phases of construction.
6. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
7. Department of Water Resources shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the project and 300 feet downstream of the active work area. Sampling results shall be submitted to this office within two weeks of initiation of sampling and every two weeks thereafter. The sampling frequency may be modified for certain projects with written permission from the Central Valley Water Board.

<b>Parameter</b>	<b>Unit</b>	<b>Type of Sample</b>	<b>Frequency of Sample</b>
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.

Visible construction related pollutants	Observations	Visible Inspections	Continuous throughout the construction period
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8. Activities shall not cause turbidity increases in surface water to exceed:
- (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be assessed by prior permission of the Central Valley Water Board.

- 9. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
- 10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. Department of Water Resources shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
- 11. Department of Water Resources shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
- 12. Department of Water Resources shall comply with all Department of Fish and Wildlife 1600 requirements for the project.
- 13. Department of Water Resources must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board for any project disturbing an area of 1 acre or greater.
- 14. The Conditions in this water quality certification are based on the information in the attached "Project Information." If the information in the attached Project Information is modified or the project changes, this water quality certification is no longer valid until amended by the Central Valley Water Board.
- 15. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law and section 401 (d) of the federal Clean Water

Act. The applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance into this Order.

- a. If Department of Water Resources or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the applicant is subject to civil monetary liabilities, for each day of violation, or criminal liability.
- b. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require Department of Water Resources to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- c. Department of Water Resources shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this certification and determining the ecological success of the project.

#### **ADDITIONAL STORM WATER QUALITY CONDITIONS:**

Department of Water Resources shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, Department of Water Resources must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - (a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
  - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. Department of Water Resources must minimize the short and long-term impacts on receiving water quality from the Sherman Island "Little Baja and Manzo Ranch" Fish Release Sites Project by implementing the following post-construction storm water management practices:
  - (a) minimize the amount of impervious surface;
  - (b) reduce peak runoff flows;
  - (c) provide treatment BMPs to reduce pollutants in runoff;
  - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - (e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;

- (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - (g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
  - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. Department of Water Resources must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - (c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - (d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.
4. Staff of the Central Valley Water Board has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to Department of Water Resources that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

George D. Day, P.E., Redding Branch Office, 364 Knollcrest Drive, Suite 205, Redding, California 96002, (530) 224-4845

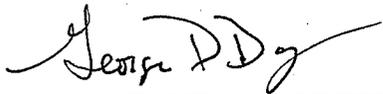
**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that any discharge from Department of Water Resources, Sherman Island "Little Baja and Manzo Ranch" Fish Release Sites Project (WDID#

5B34CR00062) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)."

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with Department of Water Resources' project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Water Quality Control Plan *for the Sacramento River and San Joaquin River*, Fourth Edition, revised October 2011 (Basin Plan).

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, title 23, § 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.



(for) PAMELA C. CREEDON  
Executive Officer

GDD:lmw

Enclosure: Water Quality Order No. 2003-0017 DWQ

cc w/o Ms. Mary Pakenham-Walsh, U.S. Army Corp of Engineers, Sacramento  
enclosures: Department of Fish and Wildlife, Region 2, Rancho Cordova  
U.S. Fish and Wildlife Service, Sacramento  
Mr. Bill Jennings, CALSPA, Stockton  
Ms. Katherine Bandy, Sacramento

cc w/o U.S. EPA, Region 9, San Francisco  
enclosures Mr. Bill Orme, SWRCB, Certification Unit, Sacramento  
by email:

## PROJECT INFORMATION

**Application Date:** 18 August 2014

**Application Complete Date:** 29 December 2014

**Applicant:** Department of Water Resources, Attn: Mr. Paul A. Marshall

**Project Name:** Sherman Island "Little Baja and Manzo Ranch" Fish Release Sites Project

**Application Number:** WDID No. 5B34CR00062

**U.S. Army Corps File Number:** SPK-2014-00763

**Type of Project:** construction of the Little Baja and Manzo Ranch fish release sites

**Project Location:** Section 28/32/33, Township 03 North, Range 02 East, MDB&M.  
Latitude: 38°04'00" and Longitude: -121°46'18"

**County:** Sacramento County

**Receiving Water(s) (hydrologic unit):** Sacramento River. Sacramento Delta Hydrologic Unit-Hydrologic Area No. 510.00

**Water Body Type:** Wetlands

**Designated Beneficial Uses:** The Water Quality Control Plan *for the Sacramento River and San Joaquin River*, Fourth Edition, revised September 2009, has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and /or Early Development (SPWN); and Wildlife Habitat (WILD).

**Project Description (purpose/goal):** The Sherman Island "Little Baja and Manzo Ranch" Fish Release Sites Project consists of levee improvements and county road realignment to be completed by Reclamation District 341; installation of two automated access gates for access to the sites from the county road to the release site access road on top of the levee; replacement of the aggregate base road on the levee crown with asphalt concrete paving, installation of an asphalt concrete operation pad on top of the levee crown at each of the fish release sites; construction of concrete foundations for support site lighting and a downspout at each of the fish release sites; construction of a fish release system (including piles, a screened intake pipe, and a release pipe) with security fencing and a gate at each of the fish release sites; construction of a log boom for protection of each fish release site; and providing electrical service to the fish release sites, via a new Pacific Gas & Electric pole line with service road.

This project will be implemented to comply with the National Marine and Fisheries Services' (NMFS) Biological Opinion on the Long-term Operations of the Central Valley Project and State Water Project (2009) and the California Department of Fish and Wildlife's Longfin Smelt

Incidental Take Permit (ITP) for the California State Water Project Delta Facilities and Operations (2009). Specific requirements are to reduce predation of salvaged fish at the fish release sites and increase salvaged fish survival rates. The work is scheduled to occur April 2015 through December 2016; however, if the work is not completed in this time frame, work would be continued in subsequent years.

**Preliminary Water Quality Concerns:** Construction activities may impact surface waters with increased turbidity and settleable matter.

**Proposed Mitigation to Address Concerns:** Department of Water Resources will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Department of Water Resources will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

**Fill/Excavation Area** Project implementation will permanently impact 1.008 acres of jurisdictional wetlands and temporarily impact 0.0986 acre of jurisdictional wetlands.

**Dredge Volume:** Not Applicable

**U.S. Army Corps of Engineers Permit Number:** Nationwide Permit #3 (Maintenance), and #7 (Outfall Structures and Associated Intake Structures)

**Department of Fish and Wildlife Streambed Alteration Agreement:** Department of Water Resources applied for a Streambed Alteration Agreement.

**Possible Listed Species:** North American green sturgeon, delta smelt, central valley steelhead, central valley Chinook salmon, winter-run Chinook salmon, Sacramento splittail, longfin smelt, western pond turtle, and giant garter snake.

**Status of CEQA Compliance:** Pursuant to Section 21082 of the California Environmental Quality Act, Department of Water Resources (DWR) has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed project and finds that the IS/MND reflects the independent judgment of DWR. As the lead agency for the project, DWR further finds that the project mitigation and conservation measures will be implemented as stated in the MND. With implementation of these mitigation and conservation measures, the proposed project as modified would have no significant effect on the environment.

**Compensatory Mitigation:** The applicant must comply with the U.S. Army Corps of Engineers' requirements for compensatory mitigation for the impacts to jurisdictional waters as required.

**Application Fee Provided:** On 18 August 2014 a certification application fee of \$6,408.00 was submitted as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e).